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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,958	08/17/2001	Vishnu K. Agarwal	M4065.0151/P151-B	2289

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EXAMINER

DOAN, THERESA T

ART UNIT

PAPER NUMBER

2814

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Applicant N .

09/930,958

Applicant(s)

AGARWAL ET AL.

Examiner

Theresa T Doan

Art Unit

2814

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 03 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 124.

Claim(s) objected to: _____.

Claim(s) rejected: 55, 57, 58, 60 and 125.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 2. NOTE: 1) New issues correspond to new claim 126 and deleted portions for changing the scope of the claim 125 that would require further consideration and/or search.

2) Applicant argues that Okutoh I (6,180,974) does not teach a memory cell with "a non-oxide layer comprising material on top of the platinum-rhodium layer". The argument is not persuasive because Okutoh I teaches in figure 16 (not figures 5-6, 8) a memory cell having a non-oxide layer 230 comprising platinum material on top of the platinum-rhodium layer 229 (column 28, lines 39-45).

3) Applicant also argues that Okutoh II (6,201,271) does not teach "a non-oxide layer comprising material on top of the platinum-rhodium layer". The argument is not persuasive because Okutoh II teaches in figure 8 a memory cell having a non-oxide layer comprising platinum material 22 on top of the platinum-rhodium layer 21 (column 8, lines 30-36).

4) Applicant also argues that the cited references do not teach or suggest "a capacitor comprising an electrode having a titanium nitride layer provided beneath a platinum-rhodium layer layer and a platinum layer on top of the platinum-rhodium layer". The argument is incorrect because basing on The last Office Action (Final Action), The Examiner pointed out in figures 1 and 8 of Okutoh II that teaches the titanium layer 8 (see figure 1) beneath the platinum-rhodium layer and a platinum layer (see figure 8); and the combination of Okutoh II and Dornfest et al. (6,358,810) for the teaching of the equivalence of the diffusion barrier layer such as titanium nitride layer or titanium aluminum nitride layer can be used in place of titanium layer in order to prevent silicon in the substrate from diffusing through the electrode (column 4, lines 58-64). However, the combination of Okutoh II and Dornfest teach the limitations as recited in claim 125. .



PHAT X. CAO
PRIMARY EXAMINER